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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

INDICTMENT

- v. -

08 Cr.

KENDY HERNANDEZ,  
a/k/a Christian Melendez,  
a/k/a Christian Melendez-Camacho,

Defendant.

08CRIM 066

COUNT ONE

The Grand Jury charges:

1. From in or about September 2006, up to and including in or about October 2006, in the Southern District of New York and elsewhere, KENDY HERNANDEZ, a/k/a Christian Melendez, a/k/a Christian Melendez-Camacho, the defendant, unlawfully, willfully, and knowingly did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution by means of false and fraudulent pretenses, representations, and promises, to wit, HERNANDEZ deposited stolen checks into a bank account and withdrew funds from that account.

(Title 18, United States Code, Section 1344.)

COUNT TWO

The Grand Jury further charges:

2. From in or about September 2006, up to and including in or about October 2006, in the Southern District of New York and elsewhere, KENDY HERNANDEZ, a/k/a Christian Melendez, a/k/a Christian Melendez-Camacho, the defendant, unlawfully, willfully, and knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to the bank fraud set forth in Count One herein, to wit, HERNANDEZ used a United States Social Security card registered in the name "Cristian Omar Melendez Camacho" to open a bank account.

(Title 18, United States Code, Section 1028A.)

FORFEITURE ALLEGATION AS TO COUNT ONE

3. As a result of committing the offense alleged in Count One of this Indictment, KENDY HERNANDEZ, a/k/a Christian Melendez, a/k/a Christian Melendez-Camacho, the defendant, shall forfeit to the United States pursuant to 18 U.S.C. § 982(a)(2)(A), any property constituting or derived from proceeds obtained directly or indirectly as a result of the offenses charged in Count One.

Substitute Asset Provision

4. If any of the above-described forfeitable property, as a result of any act or omission of one of the

defendants:

(i) cannot be located upon the exercise of due diligence;

(ii) has been transferred or sold to, or deposited with, a third person;

(iii) has been placed beyond the jurisdiction of the Court;

(iv) has been substantially diminished in value; or

(v) has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 18 U.S.C. § 982(b), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 982(a)(2)(A) and Title 18, United States Code, Section 1344.)

Adam Lecas  
FOREPERSON

Michael J. Garcia  
MICHAEL J. GARCIA  
United States Attorney

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INDICTMENT

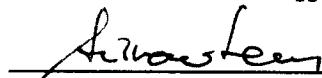
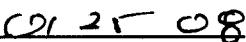
08 Cr.

(18 U.S.C. §§ 1028A, 1344)

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MICHAEL J. GARCIA  
United States Attorney.

A TRUE BILL

   
01-25-08  
Foreperson.

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 Case assigned to J Cole

